



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 24, 2009
AGENDA DATE: July 1, 2009
PROJECT ADDRESS: 312 Sherman Road (MST2009-00233)
TO: Bettie Weiss, City Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *RLB*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 10,397 square foot project site was previously developed with a single-family residence and detached two-car garage, which were destroyed in the Tea Fire. The project consists of construction of a 2,692 square foot residence and attached 490 square foot garage. The discretionary applications required for this project are Modifications to permit new construction and alterations within the required 35' front and 15' interior setbacks (SBMC §28.15.060).

Date Application Accepted: June 2, 2009

Date Action Required: September 2, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve two, and deny one, of the requested Modifications.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | | | |
|----------------|--------------------|-----------------|----------------------------|
| Applicant: | Daphne Romani Drew | Property Owner: | Nelle Slack & Peter Harris |
| Parcel Number: | 019-050-004 | Lot Area: | 10,397 sf |
| General Plan: | Major Hillside | Zoning: | A-1 |
| Existing Use: | Vacant | Topography: | 41% slope |

Adjacent Land Uses:

North – Vacant (Tea Fire)
 South – Sherman Road

East - Vacant (Tea Fire)
 West - Vacant (Tea Fire)

B. PROJECT STATISTICS

| | Previously Existing | Proposed |
|-------------|----------------------------|-----------------|
| Living Area | 1,652 sf | 2,692 sf |
| Garage | 402 sf | 490 sf |

C. PROPOSED LOT AREA COVERAGE

Building: 1,580 sf 15% Hardscape: 818 sf 8% Landscape: 7,999 sf 77%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: 0.37 Proposed FAR: 0.31 = 83.7% of Max. Allowed FAR

IV. DISCUSSION

The proposed project involves the rebuild of a single family residence with attached garage to replace structures lost in the recent Tea Fire. The previously existing structures were granted Modification approval in 1976 to be located within the required 35' front and 15' interior setbacks. The applicant could rebuild the previous structure with the same footprint and encroachments allowed by the 1976 Modification approval; however, because the proposed plan differs from the previously existing design, Modifications are necessary to permit new construction within the required setbacks.

The proposed plan relocates the garage to the east side of the property within the required 35' front and 15' interior setbacks, and proposes a two-story portion of the residence within the required 15' interior setback on the western side of the property. Staff recognizes the site constraints associated with this undersized and steeply sloped A-1 Zoned property, but also understands that such encroachments on a relatively narrow lot could potentially impact adjacent neighbors.

Staff can support the request to rebuild a portion of the residence within the 15-foot interior setback, as it would remain consistent with the previous Modification approval to allow development up to eight feet from the property line and the amount of additional encroachment over the previous footprint is not significant. Additionally, the relocation of the garage from the western side of the property to the eastern side reduces the overall encroachment into that westerly setback compared to what existed prior to the Tea Fire. Staff can also support the request for the front setback encroachment proposed for the relocated garage, as it maintains the same amount of encroachment as the previous garage and is necessary for ease of access due to the site's topography.

Staff does not support the excessive width of the garage (over the required 20' interior dimension) which causes an encroachment into the 15-foot interior setback. The applicant states that this area is necessary for storage, but it is Staff's belief that storage space can be accommodated elsewhere on the site or within the allowed building envelope without need for a setback encroachment.

The proposed project was review by the Single Family Design Board on May 26, 2009 and continued indefinitely to the Staff Hearing Officer with comments that the increase of approximately 1,000 square feet is mostly understory, and that the alterations to the garage within the setbacks and the west side massing are acceptable.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modifications to allow the residence to encroach into the westerly interior setback and to allow the garage to encroach into the front setback are consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot. The proposed changes to the building footprint are minor in nature when compared to that allowed by the 1976 Modification approval, and it will allow for easier access to the garage, with no impacts to adjacent neighbors.

The Staff Hearing Officer finds that the Modification to allow the garage to encroach into the easterly interior setback is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. Minimum interior dimensions for a two-car garage are 20' x 20' and the additional three feet proposed inside the garage space creates an unnecessary encroachment into the interior setback.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated June 2, 2009
- C. Board of Land Use Controls Resolution No. 440

Contact/Case Planner: Roxanne Milazzo, Associate Planner
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Phone: (805) 564-5470



Daphne Romani Drew
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Santa Barbara, Ca 93101
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June 2nd, 2009

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990

RE: Modification Request for 312 Sherman Rd.; 019-050-004; A-1

Dear Staff Hearing Officer,

The existing permitted two-story residence (1,652 s.f.) and detached garage (402 s.f.) present at the site have been lost in the Tea Fire.

We propose to re-build a two-story residence plus enclosed understory (as required by the neighborhood preservation ordinance) (2,692 s.f.) and an attached garage (490 s.f.).

The existing burned residence and garage encroached into the front and the two side yard setbacks.

The three modifications requested are to allow the new design to retain the same setback encroachments as what was allowed for the (E) residence that burned.

Front Yard Setback: The modification requested is to allow the southerly garage wall to be 10' away from the southerly property line. This would maintain the same setback as was present with the (E) Garage.

Due to the site's steep site slope allowing the garage to move closer to the southerly property line would help minimize construction on the steeper area of the site.

East Side Yard Setback: The modification requested is to allow the easterly garage wall to encroach two feet eight inches into the required fifteen-foot setback. This encroachment would match what was present with the (E) residence.

This garage placement would allow for a more open access to the front entry of the residence and help create a pleasant exterior patio space in the front allowing also for landscaping.

West Side Yard Setback: The modification requested is to allow the westerly bedrooms to encroach seven feet into the required fifteen-foot setback.

This encroachment matches what was present in the existing residence but the total lineal feet of encroachment wall would be reduced from thirty-five to twenty.

The use of this space would allow for more well proportioned and useable rooms.

Overall the major benefits deriving from these requested modifications would be:

- A more efficient use of the highly constrained site;
- Minimizing construction in steepest area of the site;
- Opportunity to maximize the interior spaces for more compact and well proportioned spaces.
- Allows for more architectural interest yet giving the ability to simplify the footprint and the structural complexity.

Sincerely

Daphne Romani Drew

BOARD OF LAND USE CONTROLS
CITY OF SANTA BARBARA

RESOLUTION NO. 440

SUBJECT:

Application of Gilly Graham, Mark Kirkhart, Joe Medina, Girts Ozolins and Mardars Ozolins for a modification of provisions of Section 28.15.060.1 & 2 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 19-050-04 thru 07 and 24 located on Sherman Road in an A-1 One Family Residence zone, in order to permit front yard setbacks of ten (10) feet for four (4) parcels and fifteen (15) feet for one (1) parcel instead of the required thirty-five (35) feet, also to permit interior yard setbacks of eight (8) feet instead of the required fifteen (15) feet for all five (5) parcels involved.

WHEREAS, the Board of Land Use Controls has held the required public hearing on the above application; and the applicant was present ; and

WHEREAS, 0 persons appeared to speak in favor of the application and 1 persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

- a. Letter from applicant
- b. 2 letters in opposition
- c. 2 letters of concern
- d. Fire Department memo
- e. Petition in opposition with 19 signatures

; and

WHEREAS, the matter having been fully considered by this Board, the Board of Land Use Controls finds as follows:

1. Granting of the modification is necessary to make an appropriate improvement on the lot.

NOW, THEREFORE, IT IS RESOLVED that the Board of Land Use Controls hereby conditionally approves the subject request, subject to the following conditions:

1. Public Works Dept. recommending that the City accept the street for dedication, and that it be constructed to rural road standards.
2. Fire Department approval of project.
3. Underground utilities provided.
4. ABR review of site plan and elevations for each lot.
5. Street be completed and accepted by the City prior to any of the dwellings being occupied.
6. Applicant waive right to protest the formation of a road improvement district for Conejo Rd.

Passed and adopted this 4th day of November, 1976, by the Board of Land Use Controls of the City of Santa Barbara, by the following vote:

AYES: 4
NOES: 0

Abstained: 0
Absent: 2

BOARD OF LAND USE CONTROLS,
SANTA BARBARA, CALIFORNIA

I hereby certify that the above Resolution was adopted by the Santa Barbara Board of Land Use Controls at its meeting of the above date:


Secretary

NOTE: This action of the City Board of Land Use Controls shall become effective ten days from date of mailing of this resolution copy, unless appealed to City Council within that time, and shall remain in effect thereafter unless the conditions have not been met, or unless the modifications is unused, abandoned or discontinued for a period of six months. If you have an existing zoning violation on the property, it must be corrected within 40 days from the date of this action.

(the above shall not apply to rezonings)

Date: November 12, 1976